

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MELANIE BAKER

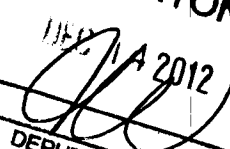
Plaintiff

v.

WILKES-BARRE INDOOR TENNIS
CENTER, INC., a Pennsylvania
corporation, d/b/a ODYSSEY
FITNESS CENTER

Defendant

3:12-cv-1361
(JUDGE MARIANI)

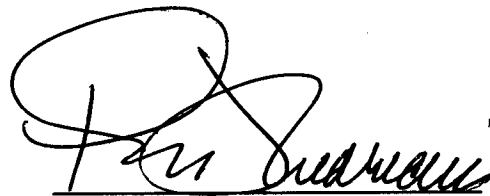
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PER 
DEPUTY CLERK

ORDER

AND, NOW, THIS 14th DAY OF DECEMBER, 2012, IT IS HEREBY ORDERED:

1. Defendant's Motion to Dismiss and/or for More Definite Statement with respect to the language "but not limited to" in paragraph fourteen (14) of Plaintiff's Complaint is **DENIED**.
2. Defendant's Motion to Dismiss and/or for More Definite Statement with regard to the language "inaccessible routes throughout the gym" in paragraph fourteen (14) of Plaintiff's Complaint is **DENIED**.
3. Defendant's Motion to Dismiss and/or for More Definite Statement with regard to the word "amenities" in paragraph fourteen (14) of Plaintiff's Complaint is **DENIED**.
4. Defendant's Motion to Dismiss with regard to the allegation that "Defendant continues to discriminate against the Plaintiff by failing to make reasonable modifications in policies, practices or procedures," is **DENIED**.

5. Defendant's Motion to Dismiss with respect to the allegation that Defendant continues to discriminate against Plaintiff by "failing to take such efforts that may be necessary to ensure that no individual with a disability is excluded" in paragraph fifteen (15) of Plaintiff's Complaint is **GRANTED**, without prejudice, and with leave to amend.
6. Defendant's Motion to Dismiss and/or for More Definite Statement with respect to the allegation that "other violations of the ADA still exist" in paragraph sixteen (16) of Plaintiff's Complaint is **DENIED**.
7. If Plaintiff chooses to file an amended complaint, she shall do so within twenty one (21) days of this Order.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge